

ORIGINAL

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U.S. DISTRICT COURT E.D.N.Y.
★ JUN 07 2010 ★

FORM TO BE USED BY A PRISONER FILING A COMPLAINT
UNDER THE CIVIL RIGHTS ACT, 42 U.S.C. § 1983 1985

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

CV 10-

2853

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JANAQUAL ASHAQUA

Full name of plaintiff/prisoner ID# 10A2147

Plaintiff,

TRIAL BY JURY DEMAND
YES ☒ NO ☐

-against-

SUPERINTENDANT OF A.R.D.C. - C-74
CAPTAIN SINGLETARY
C.O. WOODS # 18743

GARAUFIS, J.

Enter full names of all defendants

Defendants.

I. Previous Lawsuits:

- A. Have you begun other lawsuits in state or federal court dealing with the same facts involved in this action or otherwise relating to your imprisonment? Yes () No (☒)
- B. If your answer to A is yes, describe the lawsuit in the space below (If there is more than one lawsuit, describe the additional lawsuits on another piece of paper, using the same outline.)

1. Parties to this previous lawsuit:

Plaintiffs:

Defendants:

2. Court (if federal court, name the district;
if state court, name the county)

3. Docket Number:

4. Name of Judge to whom case was assigned: _____

5. Disposition: (for example: Was the case dismissed? Was it appealed? Is it still pending?)

6. Approximate date of filing lawsuit: _____

7. Approximate date of disposition: _____

II. Place of Present Confinement: _____

A. Is there a prisoner grievance procedure in this institution? Yes () No (✓)

B. Did you present the facts relating to your complaint in the state prisoner grievance procedure? Yes () No (✓)

C. If you answer is YES;

1. What steps did you take? _____

2. What was the result? _____

D. If you answer is NO, explain why not An official report was filed with the investigators and I thought that was sufficient

E. If there is no prison grievance procedure in the institution, did you complaint to prison authorities? Yes (✓) No ()

F. If you answer is YES,

1. What steps did you take? I filed a report with the investigators

2. What was the result? A report of the incident was filed and an investigation of the incident mounted

III. Parties

(In item A below, place your name in the first blank and place our present address in the second blank. Do the same for additional plaintiffs, if any.)

A. Name of plaintiff Janaqual Ashagua 10A2147

Address Downstate Corr. Fac., Red school house rd., Fishkill, N.Y.
zip- 12524-0445

(In item B below, place the full name of the defendants in the first blank, his official position in the second blank, and his place of employment in the third blank. Use item C for the names, positions, and places of employment of any additional defendants.)

B. Defendant C.O. Woods #18743 is employed as a Correction officer at A.R.D.C. - C-74, E. Elmhurst, N.Y., 11370-11-11 Hazen st

C. Additional Defendants Captain Singletary, Captain Jane Doe, Captain John Doe, C.O. Dipierre, C.O. Scott, C.O. Smith, the Superintendent of A.R.D.C., John Doe, C.O., C.O. John Doe, C.O. John Doe, C.O. John Doe, C.O. John Doe, C.O. John Doe, C.O. John Doe

IV. Statement of Claim

(State here, as briefly as possible, the facts of your case. Describe how each defendant is involved. Include also, the names of other persons involved, dates and places. Do not give any legal arguments or cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. Use as much space as you need. Attach additional 8 1/2 x 11 sheets, if necessary.)

On 4/21/2010, at approximately 2:20 pm I, Janaqual Ashagua, was brutally beaten by a numerous amount of Rikers Island Corr. Officers in housing unit 2 upper of A.R.D.C. - C-74. I, Janaqual Ashagua, sustained serious injuries from this brutal attack and was taken by ambulance to Elmhurst hospital of Queens at approximately 5:00 pm on 4/21/2010 and in the emergency room received medical treatment for a fractured rib, a fracture eye socket, eye damage, bruises, swelling of the face, and trauma. Under the supervision and express orders of Captain Singletary, without issuing any orders to me, Janaqual Ashagua, to face the wall or be restrained for smashing one camera that was in the custody continued

Statement of Claim Continued

of C.O. Woods before the Captains involvement and presence of the incident as well as for refusing to take a picture from another camera that was in the custody of Captain Jane Doe, C.O. Woods #18743, C.O. Dipierre, and 4 other Corr. Officers whose names aren't currently known to me, attacked me without physical provocation from me and brutally beat me, of whom Captain Singletary himself was an active participant, even inflicting serious injuries and pulling out hair of my head in the process, which is of sacrid relegious significance to me.

C.O. Smith and C.O. Scott were on post and witnesses of this incident without attempting to prevent or stop it, and even locking the inmates who were out in the day-room-rec-area inside their cells so they wouldn't witness the premeditated beating they were aware I would receive.

Afterwards while clearly injured and in need of medical attention, I was taken to the intake reception area, passing a numerous amount of Deputies, Captains, and C.O.s who saw that I obviously needed medical attention on my way there, and locked in a cell. When I requested medical attention, expressing the seriousness of my injuries to the intake Corr. Officers on duty, I was ridiculed and denied. It wasn't until I had a seizure in the intake pin that the intake Officers called medical from fear that I would die in their custody.

V. Relief

(State briefly exactly what you want the court to do for you.
Make no legal arguments. Cite no cases or statutes.)

I'm requesting monetary damages and whatever
else the court deems necessary and/or appropriate.

Signed this 19 day of MAY 2010
declare under penalty of perjury that the foregoing is true
and correct.

CARMILE PRINGLE
NOTARY PUBLIC, STATE OF NEW YORK
REG. NO. 01PR6092127
QUALIFIED IN DUTCHESS COUNTY
COMMISSION EXPIRES 05-12-11

[Signature]
Signature of Plaintiff

Sworn to before me this
19 day of MAY 2010
Notary Public

2/25/1980
Plaintiff's Date of Birth

086-64-8566
Social Security Number

Kindly list all defendants to this lawsuit and the address at which each may be served. If you do not provide an address for a defendant, that defendant will not be served.

Defendant No. 1

C.O. Woods #18743
11-11 Hazen st. A.R.D.C. - C-74
E. Elmhurst, New York, 11370

Defendant No. 2

Captain Singletary
11-11 Hazen st. A.R.D.C. - C-74
E. Elmhurst, N.Y., 11370

Defendant No. 3

C.O. Dipierre
11-11 Hazen st. A.R.D.C. - C-74
E. Elmhurst, N.Y., 11370

Defendant No. 4

C.O. Scott
11-11 Hazen st. A.R.D.C. - C-74
E. Elmhurst, N.Y., 11370

Defendant No. 5

C.O. Smith
11-11 Hazen st. A.R.D.C. - C-74
E. Elmhurst, N.Y., 11370

Defendants continued on next page →

Please attach additional 8 1/2 x 11 paper if necessary.

List of Defendants Continued:

Defendant No. 6

Captain Jane Doe

11-11 Hazen st. A.R.D.C. - C-74
E. Elmhurst, N.Y., 11370

Defendant No. 7

C.O. John Doe

11-11 Hazen st. A.R.D.C. - C-74
E. Elmhurst, N.Y., 11370

Defendant No. 8

C.O. John Doe

11-11 Hazen st. A.R.D.C. - C-74
E. Elmhurst, N.Y., 11370

Defendant No. 9

C.O. John Doe

11-11 Hazen st. A.R.D.C. - C-74
E. Elmhurst, N.Y., 11370

Defendant No. 10

C.O. John Doe

11-11 Hazen st. A.R.D.C. - C-74
E. Elmhurst, N.Y., 11370

Defendant No. 11

Intake Captain John/Jane DOE

11-11 Hazen st. A.R.D.C. - C-74
E. Elmhurst, N.Y., 11370

Defendant No. 12

Intake C.O. John Doe

11-11 Hazen st. A.R.D.C. - C-74
E. Elmhurst, N.Y., 11370

Defendant No. 13

Deputy John Doe

11-11 Hazen st. A.R.D.C. - C-74
E. Elmhurst, N.Y., 11370

Defendant No. 14

Superintendent of A.R.D.C. - C-74

11-11 Hazen st. A.R.D.C. - C-74
E. Elmhurst, N.Y. 11370